ATTICA NEWS

Volume 2 Number 23 April 28 1975 Page A1

AMNESTY NOW !!

Attica March in Harlem

While the press eats up the disclosures about the Attica "Cover-up", including corruption in the prosecution, police crimes at Attica, FBI informants in the Defense, etc., the most hideous crime is committed with the continuing prosecutions and convictions of prisoners.

The Attica Brothers and many other conscious people have been talking about government crimes for years, before, during and after the Attica Rebellion. Misconduct by the prosecution has been exposed repeatedly in the course of the three year struggle over the Attica indictments, although it has never before received such widespread publicity. The Attica Brothers have been talking about unfair indictments from an unfair grand jury, coercion and torture, purjured testimony, confidential information stolen through wiretaps and informers, racist and prejudicial publicity put out by the press, and agony suffered by the defendants in and out of jail.

But it was not until one of the state's own agents refused to continue his role in the state's corrupt operations that officials began to demand investigations. But a new special prosecutor is not the answer. The Attica uprising and its aftermath have already been investigated several times and the truth of the situation has been made clear for anyone who wants to see it. A new special prosecutor making $150/hour to investigate the old special prosecutor is insane.

Nor will it help to indict a few guards or troopers. More indictments will not correct the injustices already done and those that continue.

While it is important that government crimes finally come to the surface, we can not be influenced by the press or the state to ignore what is going on now. Two victims of the state's "misconduct" have been convicted of murder and attempted assault (see page 7). A jury is being selected for Shango Bahati Kakawana from a jury pool of mostly middle-aged white men (page 2). In the courtroom next door, a Wade Hearing is going on for four more Attica Brothers (see page 6), and more Brothers are on the court calendar, to go to trial next month. Governmantal misconduct is escalating in the courtroom.

All of this criminal activity was expected by the Attica Brothers in 1971 when they were in D Yard at Attica. This is what the demand for amnesty was about. The Brothers knew that the action they took was just and necessary and that unless they were guarenteed full, unconditional amnesty they would be subject to physical and legal reprisals so enormous that they would face death or many more years in prison. Officials would not grant amnesty or even administrative protection against beatings and torture. So the Brothers stood firm.

Today as we review the history of the state's response to the Attica Rebellion, we see that the D Yard predictions have come true. From the maintenance of unlivable conditions at Attica, to the massacre of September 13, and continuing with prosecutions and convictions, the state has acted, and continues to act criminally. The Attica Brothers can not depend on new investigations and indictments against guards or troopers. We are working for unconditional amnesty for all those that were indicted as a result of the Attica Rebellion, as the only acceptable resolution for this one battle in the larger and ongoing fight of all oppressed peoples.

We are going to Albany on April 28, to demand unconditional amnesty for the Attica Brothers. Busses will be leaving Attica Now (1528 Jefferson) at 6:30 AM, and will be returning to Buffalo at 11 PM. The fare is $3.00. If you can't go--donations for busses are needed. Please call if you can help or if you want further information (882-0254).

MARCH ON ALBANY

APRIL 28

Is This A Fair Jury For

In the headlines, the state seems to be on the defensive, but in the courtroom, the attack on the Attica Brothers continues. The trial of Shango Bahati Kakawana began last Monday. Those who have watched previous trials will find this one very familiar. The state's opening round has always been the same: deprive the defendant of a jury of his peers.

The state directed two all-white grand juries in Wyoming County. These juries have been very cooperative; returning 42 indictments against prisoners but asking no questions about guards or state officials. The state would like the same kind of cooperation from Erie County Jurors.

After the Attica Brothers successfully challenged the Erie County Jury selection system last June, the make-up of juries changed drastically, shocking prosecutors and judges. They included young people, black people and women. Such a jury took ½ hour to acquit Attica Brother Vernon LaFranque last December. After those jurors were excused, they commented that the state's evidence was clearly fabricated.

Since then, with the help of jury commissioners and the support of judges, the Erie County jury pool has been regaining its former appearance.. Now the jury pool--overwhelmingly white, suburban, middle class and male--is once again the source of the kind of juries that have been serving as puppets for judges and prosecutors for years. In a trial unrelated to the Attica Uprising, Supreme Court Justice Stiller recently attacked a jury for acquitting a defendant. He told them they should do their job like the jury that convicted the Attica defendants.

JURY SELECTION FOR SHANGO

Last Monday, Judge Mattina forced Brother Shango Bahati Kakawana to begin jury selection from a group of 49 people that included only two black people, fifteen women and eight people under thirty. All morning Shango, acting as his own counsel, and his lawyers Ernie Goodman and Haywood Burns, vehemently protested the denial of a defendants right to select a jury of his/her peers.

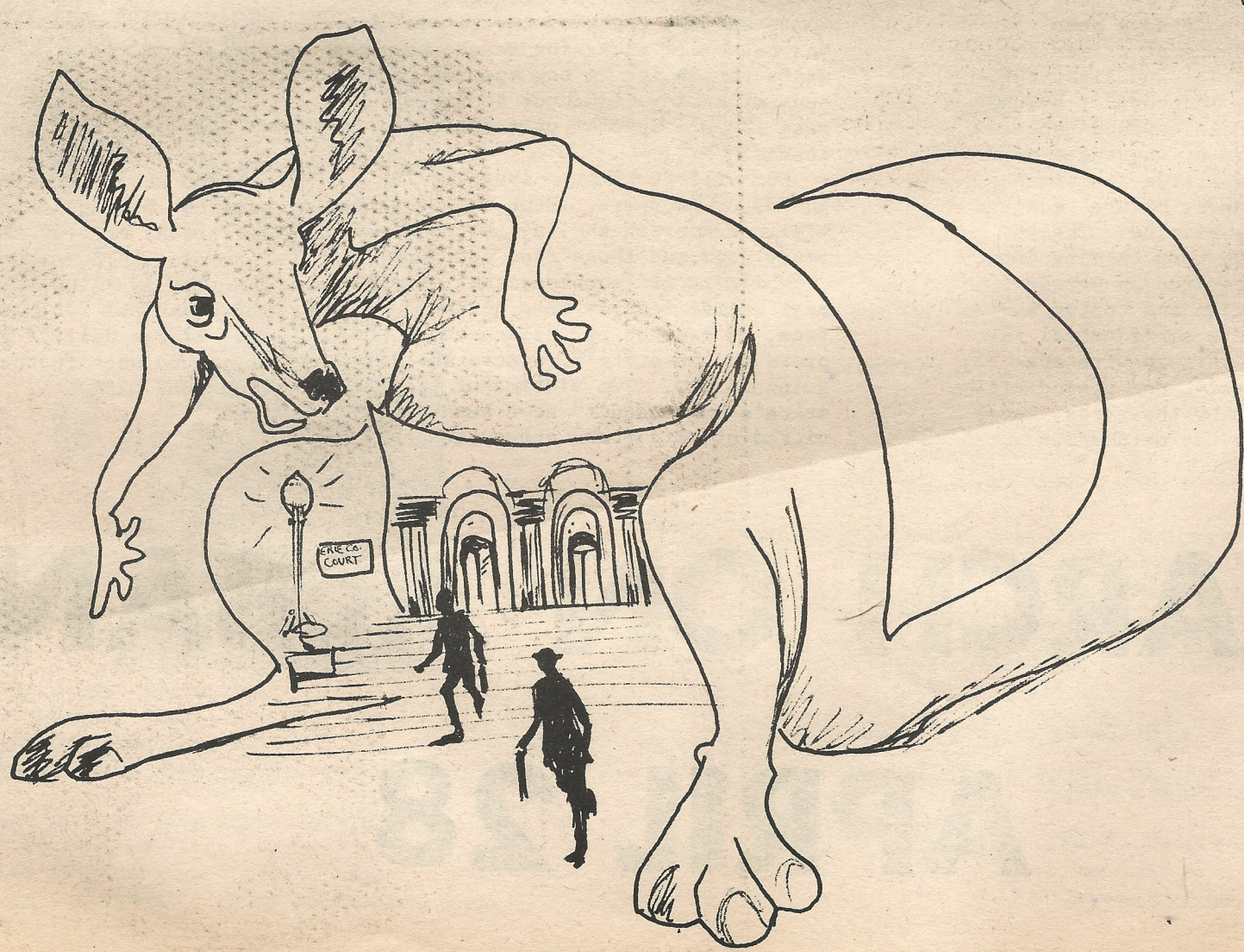
The first twelve people to be seated in the jury box included the only two black people, a young white student and nine middle aged white people. Two of these potential jurors were acquainted with state troopers who participated in the brutal assault on the prisoners in 1971; one was a friend of an Attorney General prosecuting this case, one was acquainted with a prosecution witness, and one was a former employee of the Buffalo Police Department.

The judge removed only two of the people with connections to law enforcement agencies. The prosecutors were able to remove the only two black people. One of these people was a middle-aged man who had served sixteen years in the armed forced; the other was a young women who worked as a credit investigator. Prosecutors had to use peremptory challenges against them, because there was no objective reason to dismiss them.

Defense efforts to question potential jurors concerning their attitudes towards black people, prisoners, and the Attica Rebellion outraged Judge Mattina. He felt it was sufficient for him to ask each potential juror if she/he harbored any prejudice. Of course, all replied no.

However, later in the week, one panel member stated,"I think that they (the assault force) should have shot them all (the Attica inmates) and saved the taxpayers' money." In response to the question whether he thought human lives could be valued in dollars and cents, he said, "I guess you had to know what the prisoners were in jail for." Also, during the week's examination, 12 prospective jurors excused themselves without questioning because of racial prejudices.

(cont'd next page)



The Attica Brothers?

This leaflet was found on the wall of Buffalo Police Precinct #3. It is an excellent demonstration of the racist attitudes of people in law enforcement agencies in Erie County.

THE REAL PROBLEM IN BUFFALO . . .

. . . is not White Racism or Police Brutality, for certainly no other Police Force has been so restricted in its handling of criminals, and nowhere else have White Liberals so totally capitulated to Black demands.

. . . The problem in Buffalo is not Scarcity of Welfare Handouts, because money flows freely to those who refuse to work.

. . . The problem is not Unemployment, because although Buffalo has one of the nation's highest unemployment rates, Blacks are given preferential treatment when it comes to job hiring.

. . . The problem is not Blight, for this is the end result of a problem, and not the cause.

. . . The problem in Buffalo is not the Lack of Educational Opportunities because the Jewish Superintendent of Schools, Dr. Joseph Manch, has bent over backwards, attempting to make White Men out of Monkeys.

NO: THE PROBLEM IN BUFFALO IS NONE OF THESE.

THE REAL PROBLEM IN BUFFALO IS NIGGERS !

Wherever Negroes go they breed immorality, filth, and disorder. Neither Federal Handouts, nor Restrictions on the Police, nor Jobs, nor Better Educational Facilities will improve the Negroe mentality.

The only sure way to treat a cancer is to cut it out. The only way to cure the Negroe problem is to make this an All-White America.

If you're sick and tired of unsafe streets in Buffalo, of footing the bill for the biggest handout program in history, and of the phony excuses for America's problems which are fed to you by the Leftist Press, than contact us; we've got the answers:

National Guard Party (18 and over) / White Youth Alliance (14–17)
P.O. Box 11102
Buffalo, New York 14211

"America's foremost Pro-White, Pro-American and Anti-Communist Political Movement"

NO FAIR TRIALS

Although neither the Attica Brothers or anyone else can get a fair trial in Erie County, there is little choice but to fight in the courtroom. An important part of that fight is the jury. The jury is the community's only check on the court's kangaroo justice.

For this reason, the Attica Jury Project is asking the community to get involved. This is what can be done:

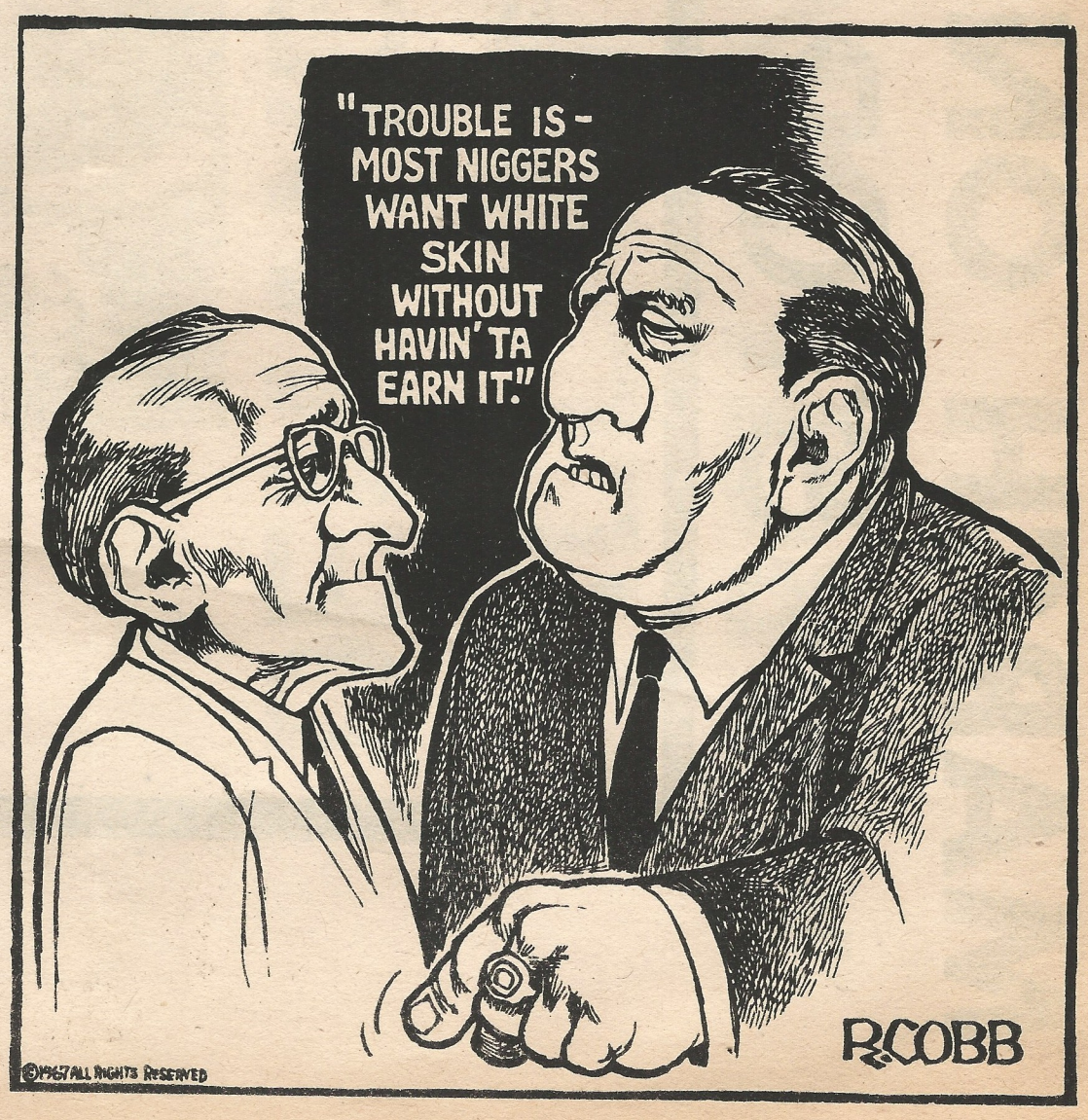
*Join the community network which supplies us with information on prospective jurors. Call 855-1184 to join.

*Volunteer for jury duty. Anyone over 18 can serve. Call the Jury Commissioner's Office at 854-5553 to volunteer.

*Write to protest Judge Stiller's vicious attack on the jury system. He is being investigated by the Bar Association. Write Joseph P. Cunfola, President-Erie County Bar Association, 662 Ellicott Square Building, Buffalo, and tell him what you think.

*Come to court yourself. Make yourself acquainted with the struggle, and support the brothers that are on trial.

*Stop the trials! Join in the demand for total unconditional amnesty for all the Attica Brothers.



MARCH ON ALBANY APRIL 28
STOP THE TRIALS!

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE, SPECIAL ATTICA TERM

THE PEOPLE OF THE STATE OF NEW YORK,

-versus-

THE ATTICA BROTHERS

IN THE NAME OF THE PEOPLE OF NEW YORK:

- State Police shot at hundreds of unarmed men at Attica to end a necessary protest of inhuman living conditions
- the Attica Massacre continues with mass prosecutions and convictions of the victims of Attica
- hundreds of poor people are massacred every day in the streets, the courts, and prisons

STOP HIDING!

STOP TALKING ABOUT IT DOESN'T EXIST BECAUSE IT DOES...IF YOU LET IT!

ACT NOW!

DEMAND AMNESTY FOR ALL ATTICA BROTHERS!

MARCH ON ALBANY - APRIL 28

FURTHER INFORMATION: ATTICA NOW (716) 882 0254

INDICTMENT 10 IN COURT...

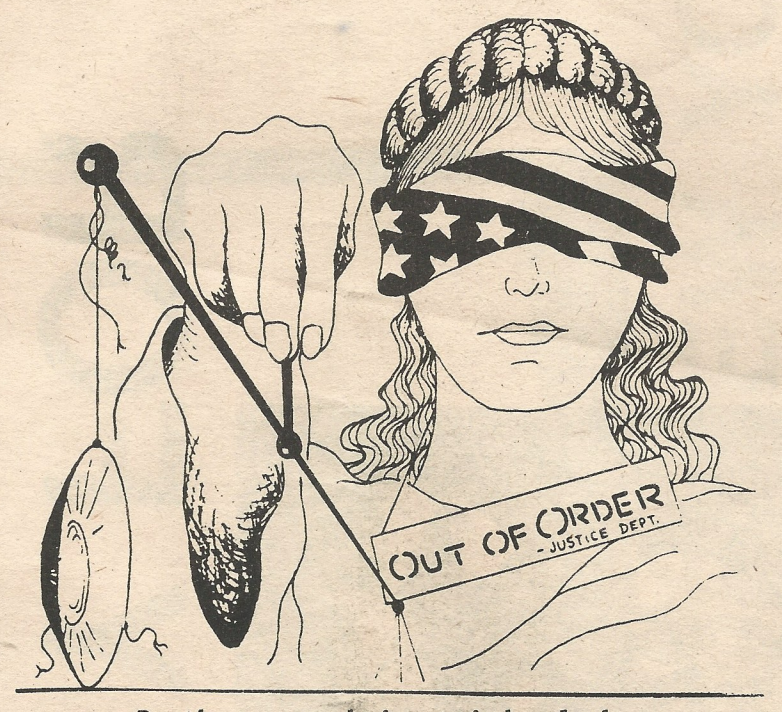
"They were there and that's enough"

Indictment #10, which is now in the middle of pre-trial hearings at Erie County Courthouse, charges Brothers Ja Ja, Rock, Cantante (Quintana) and Bobby Dugarm with kidnapping, assault, coercion and unlawful imprisonment. Like the trial of Dacajeweiah and Charley Joe Pernasilice, this indictment centers around the flurry of events in the minutes when the Attica Uprising was jumping off, before the prisoners made order in D Yard.

Shortly after the prisoners had successfully liberated Times Square--the crucial turning point in the takeover of Attica--prisoners began trashing one of the cellblock offices. According to pre-trial testimony, the charges are based on the showering of soapflakes and poking of sticks at the three guards and one prisoner snitch who had barricaded themselves in the office.

This indictment, like all the Attica indictments, is nothing more than an attempt by the state to blame the prisoners for anything and everything that happened at Attica, in order to conceal the truth that the state itself is responsible. None of the state's witnesses even claims that any of the four Brothers did any of the things charged in the indictment. "They were there", says the state, "and that is enough".

The four Brothers on trial in Indictment #10, like all the Attica



Brothers, are being tried only because they were prisoners who participated in the Uprising. That is the extent of the state's evidence against them. This is precisely the same pattern which pervades the entire Attica prosecution, which resulted in the indictment of 62 prisoners, but no officials or police.

Malcolm Bell, the former Attica prosecutor who has begun to reveal the state's cover-up, has been subpeonaed to testify in Indictment #10 on Monday, April 21. While working as a special attorney general, Bell was in charge of the preparation of Indictment #10. Pretrial testimony has revealed that notes taken while interviewing witnesses were destroyed, so that there would be no record of contradictory statements.

Following the recent revelations of an FBI informer in the Attica Defense, the court has also ordered the prosecution to submit sworn affidavits detailing the use of informers and wiretapping. The state has not yet responded to these orders.

The state's chief witness in this case, George Kirk--the snitch who barricaded himself with the guards--once again revealed the repulsive and violent inhumanity which has characterized all of the state's actions against the Attica Brothers. Immediately after the state's bloody assault on September 13, 1971, Kirk was escorted from the yard and given a private bed in the prison hospital. He complained of a sore throat from the teargas. Kirk remained hospitalized for four days, while other prisoners were bleeding to death in the corridors and on stretchers in the mud outside because, the state said, there were not enough facilities to care for the wounded.

And so another Attica case is in the courtroom, and the state continues to shift the blame for the continuing massacre. The Brothers that are in the courts need your support. Court is in session Monday through Thursday at 10:00 AM and 2:00 PM, at the Erie County Courthouse on Franklin Street.

Recently there has been a lot of confusion about who is who on the witness snitch list. Some people have spoken to the Bureau of Criminal Investigation; some have testified before the grand jury that indicted the Attica Brothers; some have appeared to testify against Brothers in pre-trial hearings or in actual trials; some have refused to testify for the prosecution. The following is the beginning of a detailed account of the people who have been or are potential witnesses for or against the Attica Brothers. The list appears in alphabetical order. The Attica News will continue to print this list until all the names are accounted for. Be it whoever you are.

Name & Address	BCI Interviews	Grand Jury	I.D Witness Against	Court Testimony
Allen, Calvin Rochester	6/14/72 6/15/72	6/27/72	38,39,41, & 42 5-Alsayah, Kareem James 33X, Kimanthi, Black	38,39,41, & 42 - Took the 5th-refused to say anything. Has said he will not testify against anyone else.
Ambrosole, James Buffalo	1/7/72		5-James 33X, Black	
Arquette, Gerald	4/24/72		7-Tariq, Zuri,Babu	
Becker, Kenneth	4 times in '71 Once in '72 1/6/74 11/20/74 Once in '75	No	38,39,41, & 42	I.D.'s Blyden and Champen in courtroom. Testifies to Hess and Schwartz being taken from yard-doesn't say who took them out-does not recognize anyone in courtroom as being around them.
Berry, Frederick N.Y.C.	About 5 times	No	38 & 41 - Champ	Recants alot of testimony from interviews. Said Champ was in D block and was furious about what he saw.
Booker, William	5/11/72		38,39,41, & 42	Did not testify. Took 5th. Was not granted immunity. In BCI interviews I.D.'s Hicks as killer of Hess and Schwartz.
Boone, Franklyn N.Y.C. ?	11/16/71 3/14/72 1/26/72 5/16/72	5/16/72 5/17/72	5-Alsayah, Kareem, James 33X, Oji, Bro. Bernard,Black 4-John Wallace 8- Ronald Lyons,Rahiem	
Brown, Kenneth N.Y.C.			38,39,41, & 42	Not called for Pre-trial hearing
Brundage, Robert Rochester Jail	May '72 5/9/72		5 - Black 13 - Chris Santiago	
Bryant, Herman Camp Adirondack	6/13/72		5 - Kimanthi	

-Splitting the Sky-

To my Beloved Brothers and Sisters of all walks of life,

First I would pray that the creator deliver this message to you all, filled with love, strength and much understanding.

I, Dacajeweiah (Splitting the Sky), am currently being held a captive prisoner within Fort Erie County Holding Center, after a temporary victory of the State government in making twelve people believe that I was guilty of the crime of murder against a corrections officer at Attica, through a highly comprised fabrication, intended to justify the murderous attacks of the so-called law enforcement agencies of this state.

This is nothing new. History will show that so-called judicial process in our great country has actively participated in engineering the railroad, built specifically for poor, oppressed people's around the nation--it is time to derail this vicious Iron Horse.

For many months and even years, we have tried to awaken our brothers and sisters to the atrocities committed by the same robots who run and control your lives everyday, to educate and hopefully bring people to their feet to the need to come together under one mind, one heart and most of all one spirit, to stop the atrocities of the State of New York therefore helping ones self to understanding that they are just as oppressed.

It is true, many people woke up and responded, but still many people slept and, to quote a dear friend "Wake up, cause nothing comes to a sleeper but a dream!"

I will close for now letting you know that I could write for months to you all, but I firmly believe that the wrongs of this society is self-explanatory and those who seek shall definitely find.

What has happened to myself is the same thing that has tried to destroy my Indian people through history, enslaved my Black brothers and sisters, and has produced a scale of classes to those who are oppressed.

The most oppressed in my belief are those who most posess...

Dacajeweiah---John Hill

P.S. I shall not be there,
I shall rise and pass,
"Bury my heart at Wounded Knee"

Akwasasne Notes

BELOVED ATTICA INDICTED BROTHERS,

even the ones that has fallen by the continuing massacre, murdering that still exists. Wherever you might be, please understand that Attica is a big institution that is internationally known.

Attica Brothers, we must tell the reality of Attica together, whatever it is, to or with each other. We must never forget it. Let's stay together. Together we shall win this struggle for total liberation. We must find each other. Just look at our beloved comrades Charley Joe and Dacajeweiah, and Shango, Dalou, Jomo, myself, Herbert X Blyden, and Champ. Only so many of us still yet to come before the few courts that controls this world. It shall always be this way with us, yes us, getting bogged down with garbage. The system keeping us seperated. We must stick together.

I am speaking to the Attica Brothers that I love beyond words first--for you are my Brothers--the ones that I found myself in that yard with for five days. That means anyone that was found in that yard in history, be it anyone, I know not any reason why everyone shall not, should not get amnesty in 1975. (4/28/75)

But we must do it together. Understand L.D., Quinn, Sam Melville, Goldmine, Richard Bilello, Duke. Understand Attica Brothers, Attica Peoples.

Attica is all of us,

Big Black

April 21, 1975

Re: Disbursement of money for all Brothers, Lawyers, workers, etc.

As to some form of system to make everyones personal, which is political and legal need be taking care of.

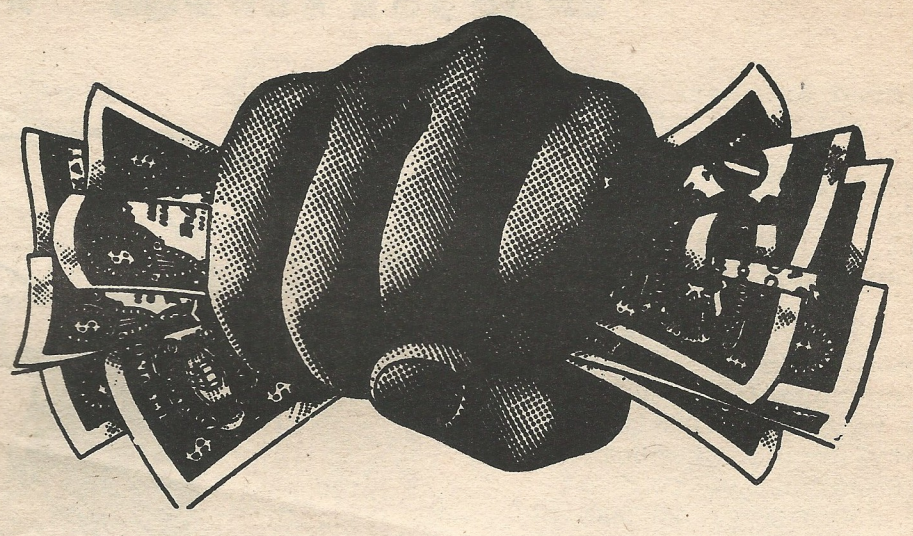
For that is what I see can be done for our freedom from the level of indictee. Any beefs we will deal with it as a collective.

1. All Brothers inside, of 62 brothers on indictments will receive $20. a month for stamps or whatever.

2. Any Brother who start the Wade Hearing up to trial on the outside who have no means of financial help, will received $20 a month plus a place to stay. All Brothers must be speaking with the masses of people about the Atticas in and outside.

3. As to the Bros inside in Wade or trial or any investigation for any Bros on indictment any legal business will come through the Brothers lawyers to the trial office staff.

4. Any Bros lawyers from out of town will get $20 a month and a place to live. But must submit voucher to the courts. Upon, if you get paid we shall expect reimbursement. You can only get this if you don't have the resources to get your own money.



5. No lawyers nor investigators in New York State will get any money from the Attica funds. There is a budget set up for you. Use it. O.K. Unless a situation should be that the Attica Fund be used, if that should come up myself or Bertha shall see the Brother in person if there is a problem with the communication we get. From the Bros. sources!

6. Any Brothers that has any kind of Defense set up to take care of finances for himself alone will not get any help from the Attica Funds. There will be a committee set up of people in Buffalo that will maintain and keep the Attica problems as one.

7. As to any probelms concerning the Attica Funds in Buffalo, meaning Attica Brothers Trial Office, Attica Now and Prison Law Collective Foundation, I hold total responsibility with other committee people to channel the money the best way it is possible to blanket all of Attica, before 71 past 75.

You see all must understand that Attica is All of us. Bros, family, friends, lawyers of most. Freedom is not in the courts, but there we must fight. Only together we shall win, on all levels. For the criminal justice system is what this world is set up on -- the biggest contradiction we have in our every day life.

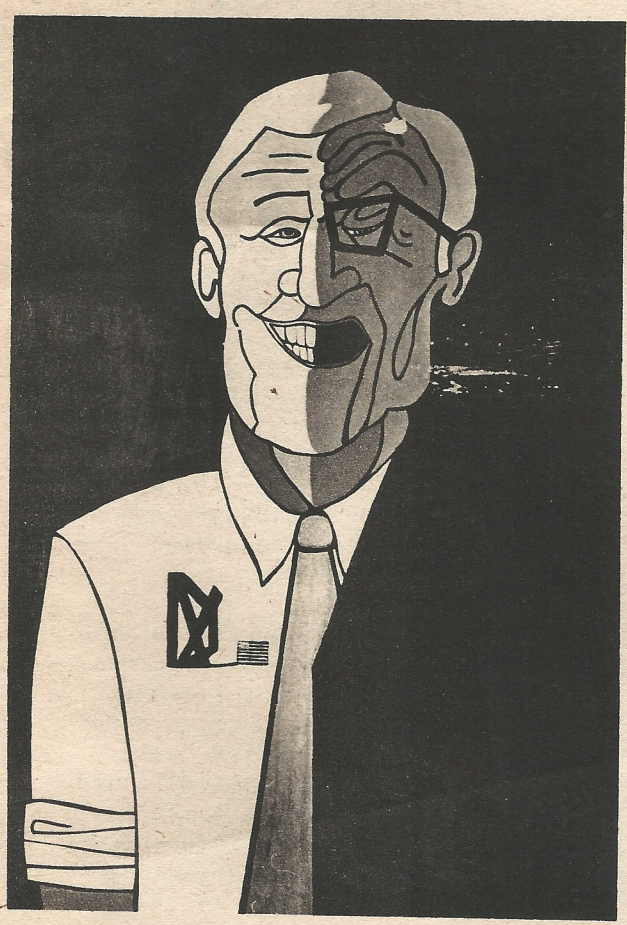
Our attitudes must change in order to change any thing.

Big Black

FLY, ROCKY

Fly, Rocky, the friendly skies
to honor death in Taiwan
It's far enough away for you
and Chiang Kai-shek's deader than a doornail.

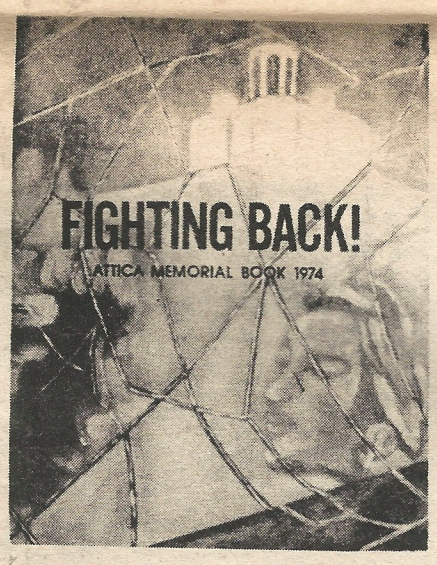
A thousand living asked for you in '71
American living
Black men living
Red men living, and white



Marilyn Reynolds

Fourty, fourty-one, fourty-two
Fourty-three men died
After you declined to travel
Two hundred miles from capitol to prison

You prisoner of a billion dollar bills
And Air Force 2 to Taipei
You dead man grimacing your toothy grin
inside my government! on my television screen!
You, Rocky, dishonor death and life
here on my brothers' and sisters' poor dying earth.



Artwork and Writings

by Attica Brothers and Supporters

101 pp.

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ATTICA NEWS regularly prints letters, articles and artwork from readers. We will publish anything we receive unless you indicate otherwise. Of course, not all material we receive can be printed. We reserve the right to edit(primarily for length) . Artwork should be in black and white only.

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1528 Jefferson
Buffalo, New York 14208

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UPCOMING TRIAL DATES

May 5 Dalou Asahi

May 19 Mario Maldonado
Joe Little
Steve Merkel